

Congress of the United States

Washington, DC 20515

December 14, 2004

Administrator Michael O. Leavitt
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Leavitt:

In 21 states and the District of Columbia, citizens are breathing air that does not meet the health based standards for fine particle pollution (PM_{2.5}). We appreciate your commitment to addressing this public health concern by designating nonattainment areas by the end of the year. We are concerned, however, that EPA may not designate all counties that contribute significantly to this pollution problem. If EPA fails to designate all necessary counties, it will not be fulfilling its obligation to reduce pollution to safe levels.

Long-term epidemiological studies have repeatedly demonstrated that people living in areas with high fine particle concentrations have an increased risk of premature death compared to those in cleaner cities. Fine particle pollution is especially harmful to people with lung diseases such as asthma and chronic obstructive pulmonary disease (COPD). Exposure to fine particle air pollution can trigger asthma flare-ups and cause wheezing, coughing, and respiratory irritation. People with heart disease, such as coronary artery disease and congestive heart failure, and people with diabetes are at risk of serious cardiac effects. The risk of early death from cardio-respiratory diseases and lung cancer is higher in more polluted areas. Life expectancy might be shortened by one to two years on average.

Fine particle pollution does not respect county and state lines. In its guidance to the states in 2003, EPA acknowledged that "violations of the PM_{2.5} air quality standards generally include significant urban scale contribution as well as a significant larger-scale regional contribution." Fortunately, the Clean Air Act requires that EPA designate nonattainment areas in counties that contribute to violations of air quality standards as well as the counties in which the violations occur. If EPA is committed to reducing the public health threat posed by small particle pollution, the final nonattainment designations for fine particle pollution must include counties which contribute significant pollution to an area that violates EPA's air quality standard.

If EPA were committed to a regional approach, it would follow its own guidance recommending the "presumptive use of metropolitan area boundaries to define urban nonattainment areas." The complete metropolitan areas (C/MSAs) include 406 counties, yet the EPA has proposed to designate only 244 counties and the states have recommended 142 counties.

As we are sure you are aware, coal fired power plants are the nation's largest source of sulfur dioxide, the primary precursor pollutant of fine particle pollution. We are alarmed that both EPA and the states propose to exclude many counties that host the nation's largest, dirtiest power plants from nonattainment designation. The counties within complete metropolitan areas but excluded by the EPA proposal host 30 coal fired power plants that emit 451,453 tons of sulfur dioxide each year. The states have proposed to exclude an additional 102 counties from designation. These counties are home to 55 power plants. According to a 2004 analysis produced by Abt Associates, the 85 plants in counties that EPA may exclude from designation account for nearly 7,000 premature deaths and over 139,000 asthma attacks each year.

If EPA plans to exclude any of the counties that host power plants from its nonattainment designations, we request that EPA answer the following questions:

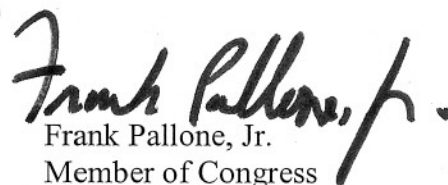
1. What standard did EPA use to determine whether a county contributed to the ambient air quality in a nearby area?
2. For each power plant that is located within an applicable complete metropolitan area (C/MSAs) but which EPA will designate in attainment, on what basis did EPA determine that the excluded power plant failed to contribute to the ambient air quality in a nearby area?
3. For each of the individual power plants potentially excluded, do EPA's most advanced air quality models show PM_{2.5} from the plant reaching areas that do not meet the ambient air quality standard for PM_{2.5}?

We hope that EPA will not backtrack from designations necessary to protect the public from fine particle pollution. We look forward to your response, which we would appreciate receiving before the designations are announced.

Sincerely,



Tom Allen
Member of Congress



Frank Pallone, Jr.
Member of Congress



Hilda L. Solis
Member of Congress